

# FACTS About Moratorium

- **TESPA** is urging the Barton Springs Edwards Aquifer Conservation District (BSEACD, or the District) to adopt a moratorium on accepting new large-volume permit applications in the Middle Trinity Aquifer.
- **Our understanding** is that it could be legally problematic for the District to apply a temporary moratorium on issuing permits to applications that they have already received, but TESPAs would encourage the District to discuss this with their legal counsel.
- **While there is no express legal authority** under Chapter 36 for a groundwater conservation district to adopt a moratorium, several groundwater districts in Texas, such as the Middle Pecos GCD and the Gonzales County GCD have done so.
- **BSEACD** does not define “large-volume,” but TESPAs believes 15 million gallons a year (41K a day) is a reasonable threshold. TESPAs intends to discuss this in more detail with BSEACD staff.
- **A moratorium** would not prohibit the District from considering applications for the Lower Trinity or Upper Trinity, and it would still allow applications in the Middle Trinity below a certain threshold.
- **A moratorium** would not impact existing wells and current permit volumes.
- **A moratorium** would be temporary, in place until BSEACD completes the necessary science and modeling. TESPAs will discuss with BSEACD staff the timeframe for this to be conducted.

- **TESPA believes it is prudent for the BSEACD Board of Directors to adopt a moratorium for the following reasons:**

There is a lack of scientific data available to evaluate production permits. For example, the District does not know the sustainable yield of the Middle Trinity Aquifer within its jurisdiction and how groundwater pumping will impact the desired future condition (DFC), wells, and springs in the long term.

A temporary moratorium will ensure that groundwater resources, private property rights, historical production permits, and exempt wells are adequately protected.

Existing pumping combined with proposed pumping within the District surpasses the modeled available groundwater (MAG) for the Trinity Aquifer, which means the DFC will be exceeded.

As a result of the passage of House Bill 3405 in 2015, the District was forced to quickly process permits for existing users; therefore, the District needs time to fully develop the science needed to sustainably manage the Trinity Aquifer and adopt corresponding rules.

The Middle Trinity Aquifer is perceived as an important, large-volume water-supply source, and more large-volume, production-permit applications for export are likely to be submitted in the near future.